

IN THE UTAH COURT OF APPEALS

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Steven C. Ellis,)	MEMORANDUM DECISION
)	(Not For Official Publication)
Petitioner,)	
)	Case No. 20090188-CA
v.)	
)	F I L E D
Department of Workforce)	(August 27, 2009)
Services,)	
)	2009 UT App 236
Respondent.)	

Original Proceeding in this Court

Attorneys: Steven C. Ellis, Long Beach, California, Petitioner
Pro Se
Geoffrey T. Landward, Salt Lake City, for Respondent

Before Judges Thorne, Orme, and Davis.

PER CURIAM:

Steven C. Ellis appeals the Workforce Appeal Board's (the Board) determination that it lacked jurisdiction to consider his untimely appeal. We affirm.

A claimant who has been denied unemployment benefits may file an appeal with the Division of Adjudication within ten days of the original determination. See Utah Code Ann. § 35A-4-406(3)(a) (2005). If the claimant does not file an appeal within the prescribed time, the claimant must demonstrate good cause for filing the late appeal. See Autoliv ASP, Inc. v. Workforce Appeals Bd., 2000 UT App 223, ¶ 12, 8 P.3d 1033.

Good cause is limited to circumstances where: (1) the appellant received the decision after the expiration of time for filing the appeal, the appeal was filed within ten days of actual receipt of the decision, and the delay was not the result of willful neglect; (2) the delay in filing the appeal was due to circumstances beyond the appellant's control; or (3) the appellant delayed filing the appeal for circumstances which were compelling and reasonable. See id. If the appellant does not demonstrate good cause for his or her late filing, the

Administrative Law Judge does not have jurisdiction to hear the appeal. See id.

The Department of Workforce Services (Department) determined that Ellis committed fraud by receiving unwarranted unemployment insurance benefits. Ellis did not timely appeal the Department's decision. Thus, the only issue properly before this court is whether Ellis demonstrated good cause for filing his untimely appeal.

Ellis concedes that he timely received the Department's decision. Ellis did not timely file his appeal because he did not read the decision in its entirety. The record does not contain any evidence that Ellis's untimely appeal was due to circumstances beyond his control or that there was a compelling or reasonable explanation for failing to timely file his appeal. Thus, the record supports the determination that Ellis did not have good cause to excuse his untimely appeal. Treating an important document in such a cavalier manner is simply not good cause for failing to file a timely appeal. Accordingly, the Board did not err by determining that it lacked jurisdiction to consider the merits of Ellis's appeal. See id.

Affirmed.

William A. Thorne Jr.,
Associate Presiding Judge

Gregory K. Orme, Judge

James Z. Davis, Judge